



By **January 23, 2024**, Plaintiff shall file a response to Defendants' letter-motion at ECF No. 96.

January 18, 2024

SO ORDERED 1/19/2024

**Via ECF**

Honorable Judge Sarah Cave  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007



SARAH L. CAVE  
United States Magistrate Judge

Re: Mahulawde v. Fashion Institute of Technology, et al.  
Docket No. 21-CV-3878 (PAE)  
Our File No. 22643.00009

Dear Honorable Judge Cave,

We represent the defendants, Fashion Institute of Technology, Joseph Maiorca, Roberta Paley and Roberta Degnore in the above-referenced matter. We write to request the Court's intervention regarding discovery disputes relating to ESI protocols and search terms of same.

As the Court may recall, on July 26, 2023, the parties met with the Court after requesting judicial intervention regarding certain belated discovery and recordings received the same evening that the parties had jointly advised the Court that fact discovery had been completed. The Court directed the parties to re-open fact discovery to address these issues and to conduct plaintiff's continued deposition relative to the same. *See* Dckt. No. 77. Thereafter, plaintiff again served additional belated discovery and in September 2023, our office engaged in discussions with plaintiff's prior counsel, Mr. Seppinni, regarding the implementation of related ESI protocols. *See also* Dckt. No. 79.

Upon plaintiff's retention of new counsel, Eric Koplowitz, Esq., we immediately renewed our request for ESI Protocols. In a good faith effort to resolve the disputes, we explained to Mr. Koplowitz that due to plaintiff's multiple late disclosures, defendants would require ESI production relative to the claims and defenses of this matter to effectively comply with the Court's order surrounding discovery. Plaintiff's counsel has since objected to the implementation of ESI Protocols.

As such, we respectfully request the Court's intervention to resolve this discovery dispute so that the parties may continue to engage in fact discovery and comply with the Court's order and impending deadline.